

1 BEFORE THE ARIZONA REGULATORY BOARD
2 OF PHYSICIAN ASSISTANTS

3 In the Matter of

4 **JOHN VOYTEK, P.A.- C**

5 Holder of License No. 2082
6 For the Performance of Healthcare Tasks
7 In the State of Arizona.

Case No. PA-10-0060A

**ORDER FOR PROBATION AND
CONSENT TO THE SAME**

8 John Voytek, P.A.-C ("Respondent") elects to permanently waive any right to a
9 hearing and appeal with respect to this Order for Probation; admits the jurisdiction of the
10 Arizona Regulatory Board of Physician Assistants ("Board"); and consents to the entry of
11 this Order by the Board.

12 **FINDINGS OF FACT**

13 1. The Board is the duly constituted authority for the regulation and control of
14 the performance of health care tasks in the State of Arizona.

15 2. Respondent is the holder of license number 2082 for the performance of
16 health care tasks in the State of Arizona.

17 3. The Board initiated case number PA-10-0060A as a result of Respondent's
18 self-report to the Board that he had an acute episode of depression and was taking a two
19 week leave of absence from work.

20 4. On February 16, 2000, Respondent entered the Board's Physician Health
21 Program (PHP) as a result of his alcohol dependency. He successfully completed the
22 program on February 18, 2005.

23 5. On August 11, 2010, Respondent had an acute episode of depression and
24 underwent outpatient treatment at a behavioral health center. He admitted that he drank
25 alcohol prior to the episode.

6. On August 27, 2010, Respondent met with the Physician Health Program (PHP). The PHP contractor recommended that Respondent complete an evaluation at a Board approved facility.

7. On September 10, 2010, Respondent signed an Interim consent Agreement for Practice Limitation with the Board.

8. Respondent underwent an evaluation on September 23, 2010 at a Board approved facility. The Evaluators recommended that Respondent undergo chemical dependency treatment. Respondent successfully completed treatment at a Board approved facility on January 8, 2011.

9. On January 12, 2011, the Board received the Contractor's assessment report. Respondent was diagnosed with alcohol dependence in early full remission and major depressive disorder. The Contractor recommended that Respondent enroll in the Board's standard 5 year PHP agreement to include psychiatric monitoring. The Contractor also stated that Respondent is safe to perform health care tasks if enrolled in PHP.

10. On January 20, 2011, Respondent entered into an Interim Order to Participate in the Physician Health Program and Consent to the Same.

CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter hereof and over Respondent.

2. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-2501(18)(d) (“[h]abitual intemperance in the use of alcohol or habitual substance abuse.”).

1 ORDER

2 IT IS HEREBY ORDERED THAT:

3 1. This Order supersedes all previous consent agreements and stipulations
4 between the Board and/or the Executive Director and Respondent and vacates the
5 Practice Limitation of September 10, 2010.

6 2. Respondent is placed on Probation for five years with the following terms
7 and conditions:

8 1. **Participation**¹. Respondent shall promptly enroll in and participate in the
9 Board's Physician Health Program (PHP) monitoring service which is administered by a
10 private contractor ("Monitor").

11 2. **Relapse Prevention Group**. Respondent shall attend the Monitor's relapse
12 prevention group therapy sessions one time per week for the duration of this Order unless
13 excused by the relapse prevention group facilitator for good cause. Individual relapse
14 therapy may be substituted for one or more of the group therapy sessions if Monitor pre-
15 approves substitution. The relapse prevention group facilitators or individual relapse
16 prevention therapist shall submit monthly reports to the Monitor regarding attendance and
17 progress.

18 3. **12 Step or Self-Help Group Meetings**. If applicable, Respondent shall
19 attend ninety 12-step meetings or other self-help group meetings appropriate for
20 substance abuse and approved by the Monitor, for a period of ninety days. Upon
21 completion of the ninety meetings in ninety days, Respondent shall participate in a 12-step
22 recovery program or other self-help program appropriate for substance abuse as
23 recommended by the Monitor. Respondent shall attend a minimum of three 12-step or
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¹ Respondent's PHP participation is retroactive to January 20, 2011.

1 other self-help program meetings per week. Two meetings per month must be Caduceus
2 meetings. Respondent must maintain a log of all self-help meetings.

3 4. **Approved Primary Care Physician.** Respondent shall promptly obtain a
4 primary care physician and shall submit the name of the physician to the Monitor in writing
5 for approval. The approved primary care physician ("PCP") shall be in charge of providing
6 and coordinating Respondent's medical care and treatment. Except in an *Emergency*,
7 Respondent shall obtain medical care and treatment only from the PCP and from health
8 care providers to whom the PCP refers Respondent. Respondent shall promptly provide
9 a copy of this Order to the PCP. Respondent shall also inform all other health care
10 providers who provide medical care or treatment that Respondent is participating in PHP.
11 "*Emergency*" means a serious accident or sudden illness that, if not treated immediately,
12 may result in a long-term medical problem or loss of life.

13 5. **Medication.** Except in an *Emergency*, Respondent shall take no *Medication*
14 unless the PCP or other health care provider to whom the PCP refers Respondent
15 prescribes the *Medication*. Respondent shall not self-prescribe any *Medication*.
16 "*Medication*" means a prescription-only drug, controlled substance, and over-the counter
17 preparation, other than plain aspirin, plain ibuprofen, and plain acetaminophen. If a
18 controlled substance is prescribed, dispensed, or administered to Respondent by any
19 person other than PCP, Respondent shall notify the PCP in writing within 48 hours and
20 notify the Monitor immediately.

21 6. **No Alcohol or Poppy Seeds.** Respondent shall not consume alcohol, any
22 food, or other substance containing poppy seeds or alcohol.

23 7. **Biological Fluid Collection.** Respondent shall provide the Monitor in
24 writing with one telephone number that shall be used to contact Respondent on a 24 hour
25 per day/seven day per week basis to submit to biological fluid collection. For the purposes

1 of this section, telephonic notice shall be deemed given at the time a message to appear is
2 left at the contact telephone number provided by Respondent. Respondent authorizes any
3 person or organization conducting tests on the collected samples to provide testing results
4 to the Monitor. Respondent shall comply with all requirements for biological fluid
5 collection.

6 8. **Out of State Travel and/or Unavailability at Home/Office Telephone**
7 **Number.** Respondent shall provide the Monitor with written notice of any plans to travel
8 out of state.

9 9. **Payment for Services.** Respondent shall pay for all costs, including Monitor
10 costs, associated with participating in PHP at time service is rendered, or within 30 days of
11 each invoice sent to Respondent.

12 10. **Interviews.** Respondent shall appear in person before the Monitor for
13 interviews upon request, upon reasonable notice.

14 11. **Address and Phone Changes, Notice.** Respondent shall immediately notify
15 the Monitor in writing of any change in office or home addresses and telephone numbers.

16 12. **Relapse, Violation.** In the event of chemical dependency relapse by
17 Respondent or Respondent's use of drugs or alcohol in violation of the Order,
18 Respondent's license shall be **summarily suspended pending a hearing for**
19 **revocation.** In the alternative, Respondent may **SURRENDER HIS LICENSE** if he agrees
20 in writing to being impaired by alcohol or drug abuse. A.R.S. § 32-1452(G).

21 13. **Notice Requirements.** Respondent shall immediately provide a copy of this
22 Order to all current and future supervising physicians, employers, hospitals and free
23 standing surgery centers where Respondent has privileges. Within 30 days of the date of
24 this Order, Respondent shall provide the Monitor with a signed statement of compliance
25 with this notification requirement. Respondent is further required to notify, in writing, all

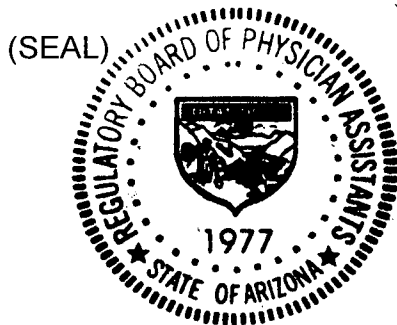
1 supervising physicians, employers, hospitals and free standing surgery centers where
2 Respondent currently has or in the future gains employment or privileges, of a chemical
3 dependency relapse.

4 14. **Out-of-State.** In the event Respondent resides or practices as a physician
5 assistant in a state other than Arizona, Respondent shall participate in the rehabilitation
6 program sponsored by that state's medical licensing authority or medical society.
7 Respondent shall cause the monitoring state's program to provide written quarterly reports
8 to the Monitor regarding Respondent's attendance, participation, and monitoring. The
9 monitoring state's program and Respondent shall immediately notify the Monitor if
10 Respondent: a) is non-compliant with any aspect of the monitoring requirements; b)
11 relapses; c) tests positive for controlled substances; d) has low specific gravity urine drug
12 test(s), missed and/or late urine drug tests, or otherwise rejected urine drug tests; and e) is
13 required to undergo any additional treatment.

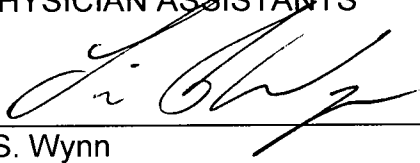
14 15. Respondent shall immediately obtain a treating psychiatrist approved by the
15 Monitor and shall remain in treatment with the psychiatrist until further order. Respondent
16 shall instruct the psychiatrist to release to the Monitor, upon request, all records relating to
17 Respondent's treatment, and to submit quarterly written reports to the Monitor regarding
18 diagnosis, prognosis, medications, and recommendations for continuing care and
19 treatment of Respondent. Respondent shall provide the psychiatrist with a copy of this
20 order. Respondent shall pay the expenses of all the psychiatric care and for the
21 preparation of the quarterly reports. After **twelve months**, Respondent may submit a
22 written request to the Monitor requesting termination of the requirement that Respondent
23 remain in treatment with a psychiatrist. The decision to terminate will be based, in part,
24 upon the treating psychiatrist's recommendation for continued care and treatment.

1 16. The Board retains jurisdiction and may initiate new action based upon any
2 violation of this Order.

3 DATED AND EFFECTIVE this 24th day of February, 2011.



ARIZONA REGULATORY BOARD
OF PHYSICIAN ASSISTANTS

By 
Lisa S. Wynn
Executive Director

CONSENT TO ENTRY OF ORDER

11 1. Respondent has read and understands this Consent Agreement and the
12 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent
13 acknowledges he has the right to consult with legal counsel regarding this matter.

14 2. Respondent acknowledges and agrees that this Order is entered into freely
15 and voluntarily and that no promise was made or coercion used to induce such entry.

16 3. By consenting to this Order, Respondent voluntarily relinquishes any rights to
17 a hearing or judicial review in state or federal court on the matters alleged, or to challenge
18 this Order in its entirety as issued by the Board, and waives any other cause of action
19 related thereto or arising from said Order.

20 4. The Order is not effective until approved by the Board and signed by its
21 Executive Director.

22 5. All admissions made by Respondent are solely for final disposition of this
23 matter and any subsequent related administrative proceedings or civil litigation involving
24 the Board and Respondent. Therefore, said admissions by Respondent are not intended
25 or made for any other use, such as in the context of another state or federal government

1 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
2 any other state or federal court.

3 6. Upon signing this agreement, and returning this document (or a copy thereof)
4 to the Board's Executive Director, Respondent may not revoke the consent to the entry of
5 the Order. Respondent may not make any modifications to the document. Any
6 modifications to this original document are ineffective and void unless mutually approved
7 by the parties.

8 7. This Order is a public record that will be publicly disseminated as a formal
9 disciplinary action of the Board and will be reported to the National Practitioner's Data
10 Bank and on the Board's web site as a disciplinary action.

11 8. If any part of the Order is later declared void or otherwise unenforceable, the
12 remainder of the Order in its entirety shall remain in force and effect.


13 9. If the Board does not adopt this Order, Respondent will not assert as a
14 defense that the Board's consideration of the Order constitutes bias, prejudice,
15 prejudgment or other similar defense.

16 10. Any violation of this Order constitutes unprofessional conduct and may result
17 in disciplinary action. A.R.S. § § 32-2501(21)(k) ("[v]iolation of a formal order, probation or
18 stipulation issued by the board") and 32-2551.

19 **11. Respondent has read and understands the conditions of probation.**

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22 _____
JOHN VOYTEK, P.A.-C

DATED: 1-31-2011

23
24 EXECUTED COPY of the foregoing mailed
this 31st day of February, 2011 to:
25 

1 John Voytek, P.A.-C
2 Address of Record

3 ORIGINAL of the foregoing filed
4 this 7th day of February, 2011 with:

5 Arizona Regulatory Board of Physician Assistants
6 9545 E. Doubletree Ranch Road
7 Scottsdale, AZ 85258

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9 Arizona Regulatory Board of
10 Physician Assistants Staff
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